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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,501	02/25/2002	David E. Albrecht	505-05	1167

7590 01/16/2003  
William H. Eilberg  
420 Old York Road  
Jenkintown, PA 19046

EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/082,501

Applicant(s)

ALBRECHT, DAVID E.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-40 is/are pending in the application.
- 4a) Of the above claim(s) 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. During a telephone conversation with William Eilberg on 11/8/02 a provisional election was made without traverse to prosecute the invention of Species II, claims 28-40. Affirmation of this election must be made by applicant in replying to this Office action. Claims 23-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambert.

In regard to claim 28, Lambert discloses an apparatus 17 for blocking fluid flow in a conduit 11, comprising:

a one-piece plate 17 (see column 2, lines 43-45), the plate having a domed portion and a plurality of bolt holes 39,

the domed portion 17 defining a surface which is convex in a direction opposite the direction of fluid in a conduit to be blocked,

wherein the domed portion is substantially rigid, non-rupturable and non-perforated (hole 49 can be plugged (see column 2, line 65)).

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In regard to claim 29, there are four bolt holes 39 disposed symmetrically around the domed portion.

In regard to claim 30, the domed portion 17 extends across a generally circular region which matches a port to be blocked.

In regard to claim 31, the domed portion 17 transitions smoothly from a flat surface 45 of the plate to an apex of the domed portion.

4. Claims 32 and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller.

In regard to claim 32, Miller discloses an apparatus 10 for providing a controlled flow of fluid from a first component to a second fluid component, comprising:

- a one-piece orifice plate 10, the orifice plate including a domed portion 19 and a plurality of bolt holes 13,

- the domed portion 19 defining a surface which is convex in a direction of the first component,

- wherein the domed portion includes an orifice.

In regard to claim 34, the domed portion defines a central region, and wherein the orifice is located in the central region of the domed portion.

In regard to claim 35, the domed portion transitions smoothly from a flat surface of the orifice plate to an apex of the domed portion.

5. Claims 36-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilbreath et al.

In regard to claim 36, Gilbreath discloses an apparatus for providing an interface between a fluid port and a fluid handling component, comprising:

- a one-piece sealing plate 62, the sealing plate including a central bore 56, the sealing

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plate also including a plurality of bolt holes 64,

wherein the central bore transitions smoothly from a larger diameter portion to a smaller diameter portion, wherein substantially all of the central bore comprises a flow path for fluid,

wherein the sealing plate comprises a structural support (flat top surface of 62) for the fluid handling component 48.

In regard to claim 37, there are four bolt holes 64 disposed symmetrically around the central bore.

In regard to claim 38, the fluid handling component 48 has a component diameter, and wherein the diameter of the smaller diameter portion of the central bore 56 of the sealing plate generally equals the component diameter.

In regard to claim 39, the fluid handling component includes at least one seal 70, and wherein the smaller diameter portion of the central bore 56 is smaller than a diameter of the at least one seal 70.

In regard to claim 40, the sealing plate 62 includes at least one face seal 70.

### *Claim Rejections - 35 USC § 103*

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller.

Miller discloses an apparatus as described above, but Miller does not disclose that the plate has 4 bolt holes. However it would have been obvious to add additional bolt holes because duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

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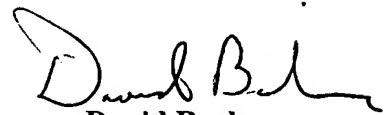
*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimokawa et al., Quevedo del Rio, Kerns et al., Mosing, Samford, Burton, Hitz, Paulsen, Andrews, Lippincott, Puffer, meyer, Wereley, and Whitaker all disclose similar couplings common in the art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
**David Bochna**  
**January 9, 2003**